

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

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Anthony B. Lary,

Plaintiff,


v.

Michael J. Astrue, Commissioner
of the Social Security Administration,

Defendant.

Civil Action No. 9:10-2734-SB

ORDER

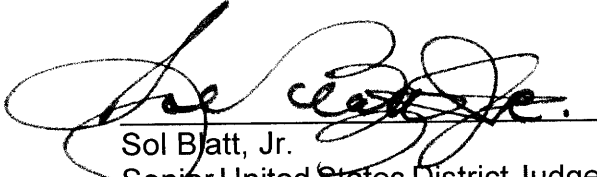


The Plaintiff filed this action on October 22, 2010, pursuant to Section 205(g) of the Social Security Act, codified at 42 U.S.C. § 405(g), to obtain judicial review of the Commissioner of Social Security's ("Commissioner") final decision, which denied the Plaintiff's claim for disability benefits. The Defendant filed an answer on February 22, 2011, and pursuant to Local Rule 83.VII.04, the Plaintiff had thirty days to file a responsive brief. The Plaintiff elected not to do so, and on April 12, 2011, the Magistrate Judge entered an order allowing the Commissioner forty days to file its own brief. On April 18, 2011, however, the Plaintiff, through his attorney, filed a motion to dismiss this action pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. On April 26, 2011, the Commissioner filed a response to the Plaintiff's motion, asserting that he has no objection to the dismissal.

After review, and based on the parties' representations to the Court, it is hereby

ORDERED that the Plaintiff's motion to dismiss (Entry 15) is granted, and this matter is dismissed without prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.



Sol Blatt, Jr.
Senior United States District Judge

May 5, 2011
Charleston, South Carolina

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